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ICA ATTN PAO, IO:
HERewITH N.Y. TIMES ARTICLE BY JUAN DE ONIS, DATED SEPT. 21, ENTITLED "PUBLISHER'S RELEASE URGED IN ARGENTINA". FOR YOUR INFORMATION ONLY.

(BEGIN TEXT)

BUENOS AIRES, SEPT. 20- FOR THE SECOND TIME IN LITTLE MORE THAN A YEAR, THE ARGENTINE SUPREME COURT HAS RULED THAT JACOBO TIMMERMAN, THE FORMER NEWSPAPER PUBLISHER WHO HAS BEEN DETAINED WITHOUT CHARGES SINCE APRIL 1977, SHOULD BE SET FREE.

THE RULING, A UNANIMOUS DECISION BY THE COURT'S FIVE JUSTICES, SPECIFICALLY TOLD THE RULING MILITARY JUNTA THAT IT SHOULD RELEASE MR. TIMMERMAN, WHO WAS PUBLISHER OF THE NEWSPAPER LA OPINION. IN ITS PREVIOUS RULING, HANDED DOWN IN JULY 1978, THE COURT HELD THAT THERE WERE NO JUDICIAL GROUNDS FOR DETAINING HIM.

UNDER HOUSE ARREST

THE NEW DECISION, WHICH BECAME PUBLIC TODAY THOUGH IT WAS NOT FORMALLY ANNOUNCED, WAS REGARDED BY SOME POLITICAL ANALYSTS AS PROVIDING SUPPORT FOR A POSSIBLE GOVERNMENT ORDER TO LET MR. TIMERMAN LEAVE THE COUNTRY. HE IS PREPARED TO JOIN HIS FAMILY IN ISRAEL.

IN ADDITION TO THE 1978 SUPREME COURT DECISION, A COURT-MARTIAL HAS CLEARED MR. TIMMERMAN OF ANY INVOLVEMENT WITH "SUBVERSIVE" GROUPS. BUT HE HAS CONTINUED UNDER HOUSE ARREST, APPARENTLY AT THE INSISTENCE OF WHAT ARE DESCRIBED AS HARD-LINE ARMY OFFICERS LED BY GEN. CARLOS SUAREZ MASON, THE ARMY CHIEF OF STAFF.

THE NEW COURT RULING ASKING THE GOVERNMENT TO FREE HIM COINCIDES WITH THE END OF A 14-DAY VISIT BY THE INTER-AMERICAN HUMAN RIGHTS COMMISSION, WHOSE MEMBERS CONDUCTED HUNDREDS OF INTERVIEWS, INCLUDING ONE WITH MR. TIMMERMAN, FOR A REPORT TO THE ORGANIZATION OF AMERICAN STATES ON CONDITIONS IN ARGENTINA.

THE ARGENTINE GOVERNMENT, WHICH HAS BEEN WIDELY ACCUSED

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OF HUMAN-RIGHTS VIOLATIONS, AGREED TO ADMIT THE COMMISSION IN THE APPARENT BELIEF THAT THE MOVE COULD LESSEN INTERNATIONAL CRITICISM. "WE DON'T EXPECT A WHITEWASH," GEN. ROBERTO VIOLA, THE ARMY COMMANDER, SAID WHEN THE COMMISSION ARRIVED, "JUST SOME RECOGNITION THAT ARGENTINA IS BETTER NOW THAN BEFORE."

DURING ITS TWO-WEEK INQUIRY, THE COMMISSION RECEIVED THOUSANDS OF COMPLAINTS THAT SECURITY PRISONERS HAD DISAPPEARED, THAT ARBITRARY ARRESTS HAD BEEN MADE AND THAT PRISON CONDITIONS WERE HARSH.

MR. TIMMERMAN, WHO IS 55 YEARS OLD, REMAINED UNDER HEAVY POLICE GUARD AT HIS HOME TODAY, AND THERE WAS NO INDICATION WHEN THE JUNTA, HEADED BY PRESIDENT JORGE RAFAEL VIDELA, WOULD DISCUSS THE SUPREME COURT'S RULING THAT HE SHOULD BE SET FREE.

THE FORMER PUBLISHER, AN ACTIVE ZIONIST, WAS AN INNOVATOR IN ARGENTINE JOURNALISM FOR 20 YEARS. HE ANTAGONIZED SOME OF THE NOW-POWERFUL MILITARY LEADERS WITH HIS CRITICISM OF SECURITY METHODS AFTER THE MILITARY TOOK POWER IN MARCH 1976.

IMPRISONED IN APRIL 1977, HE WAS RELEASED A YEAR LATER AND CONFINED TO HIS HOME.

THE HIGH COURT'S RULING REPRESENTS A REVERSAL OF A POSITION, ACCEPTED BY LOWER COURTS, THAT THE GOVERNMENT CAN HOLD MR. TIMMERMAN AS A PRISONER UNDER WHAT IS KNOWN AS THE "ACT OF INSTITUTIONAL RESPONSIBILITY." THIS DECREE, OVERRIDING CONSTITUTIONAL GUARANTEES, IS BEING APPLIED TO HOLD FORMER PRESIDENT ISABEL MARTINEZ DE PERON AND OTHER POLITICAL PRISONERS.

THE SUPREME COURT DECISIONS FOUND THAT IN THE CASE OF MR. TIMMERMAN THERE WAS NOT A "REASONABLE" RELATIONSHIP BETWEEN THE "OBJECTIVES OF NATIONAL REORGANIZATION" THAT

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THE MILITARY HAS DECLARED TO BE THE BASIS FOR HOLDING HIM AND CONFISCATING HIS NEWSPAPER AND THE CONSTITUTIONAL GUARANTEES THAT THE COURT SAID WERE STILL VALID.

THE RULING, SUBMITTED TO THE JUNTA, DOES NOT FIX A TIME FOR RELEASING MR. TIMMERMAN, AND IT IS EXPECTED THAT CONSIDERABLE MILITARY DISCUSSION WILL STILL TAKE PLACE OVER WHETHER IT IS TIMELY TO CARRY OUT THE RULING.

BUT THE GOVERNMENT IS EXPECTED TO TAKE INTO ACCOUNT THE REPORT THAT THE INTER-AMERICAN HUMAN RIGHTS COMMISSION IS PREPARING. A FULL REPORT IS NOT EXPECTED TO BE READY BEFORE FEBRUARY, BUT THE COMMISSION COULD MAKE A PRELIMINARY REPORT TO THE ANNUAL GENERAL ASSEMBLY OF THE ORGANIZATION OF AMERICAN STATES, WHICH MEETS IN LA PAZ, BOLIVIA, NEXT MONTH.

THE COMMISSION, WHOSE VISIT WAS PUBLICIZED BY THE GOVERNMENT AS AN INDICATION OF THE NATION'S PROGRESS TOWARD EASING LEFT-WING TERRORISM AND OFFICIAL REPRESSION, OBTAINED MUCH INFORMATION FROM BOTH INDIVIDUALS AND HUMAN RIGHTS GROUPS DOCUMENTING VIOLATIONS, AND FROM POLITICAL LABOR, PROFESSIONAL AND CIVIC GROUPS DESCRIBING THE VIOLENCED BY LEFTIST TERRORISTS AND THE MILITARY REPRESSION THAT HAS TAKEN PLACE IN ARGENTINA SINCE 1976.

DURING A FINAL MEETING WITH PRESIDENT VIDELA AND THE INTERIOR MINISTER, MAJ. GEN. ALBANO HARGINDEGUY, THE COMMISSION MEMBERS RECOMMENDED STEPS THE GOVERNMENT COULD TAKE TO IMPROVE CONDITIONS IN JAILS AND TO PROVIDE MORE INFORMATION ON MISSING PERSONS.

(END TEXT) REGARDS DAVIS.

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FORCED TO ACCEPT THE VISIT.
THE COMMISSION'S VISIT, DURING WHICH MORE THAN 60,000 DECLARATIONS OF HUMAN RIGHTS VIOLATIONS WERE RECEIVED, WAS DESCRIBED BY THE INTERIOR MINISTER, MAJ. GEN. ALBANO HARGUINDEGUY, IN A TELEVISED SPEECH LAST NIGHT AS A SUCCESS. "WE HAVE NOTHING TO HIDE," THE GENERAL SAID. "THEY HAVE TALKED WITH REPRESENTATIVES OF THE MOST VARIED TENDENCIES. THEY HAVE BEEN GUESTS OF A COUNTRY THAT LIVES AND WORKS IN PEACE, ORDER AND SECURITY."
IF THIS APPARENT INCREASE IN INFLUENCE BY THE MODERATE MILITARY SECTORS IS CONSOLIDATED WITH THE DEPARTURE OF MR. TIMERMAN, IT COULD HAVE A LASTING EFFECT ON THE COUNTRY'S POLITICAL FUTURE.
GENERAL VIOLA HAS ANNOUNCED THAT HE WILL STEP DOWN AS ARMY COMMANDER IN JANUARY AND THAT HE WILL ANNOUNCE HIS SUCCESSOR IN DECEMBER. THE MAN HE CHOOSES WILL BE THE STRONGEST MEMBER OF THE MILITARY JUNTA FOR THE NEXT THREE YEARS. THE MAIN CANDIDATES NOW ARE GENERAL SUAREZ MASON AND GEN. LUIS GALTIERI, COMMANDER OF THE FIRST ARMY CORPS WHO IS CONSIDERED A MODERATE.
(END TEXT) REGARDS DAVIS.
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